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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

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**UNITED STATES OF AMERICA,**

**CR 18-83-BLG-SPW**

**Plaintiff,**

**vs.**

**OFFER OF PROOF**

**JOSHUA D. MORRISON,**

**Defendant.**

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The defendant, Joshua D. Morrison, is charged by indictment with conspiracy to possess with the intent to distribute and to distribute methamphetamine, in violation of 21 U.S.C. § 846 – count 1; and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) – count II.

## **PLEA AGREEMENT**

Morrison will plead guilty to count I of the indictment. The United States presented all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the final and the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

## **ELEMENTS OF CHARGE**

In order for Morrison to be found guilty of conspiracy to possess with the intent to distribute and to distribute methamphetamine, as charged in count I of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, during the time period specified in the indictment, there was an agreement between two or more persons to commit at least one crime as charged in the indictment; and

Second, the defendant became a member of the conspiracy knowing of at least one of its objects and intending to help accomplish it.

Although not a formal element of the offense, the United States would also have to prove beyond a reasonable doubt that the conspiracy contemplated the distribution of 500 or more grams of a substance containing a detectable amount of methamphetamine, and that amount:

- (1) fell within the scope of defendant's agreement with the coconspirators, or
- (2) was reasonably foreseeable to the defendant.

## **PENALTY**

This crime carries a mandatory minimum penalty of ten years and a maximum of life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment.

## **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

On January 4, 2018, members of the Billings drug task force and the Billings Police Department executed a state search warrant in Billings. Inside the residence, agents located four individuals. Two of the individuals were arrested that day and, subsequently, both were indicted and have pleaded guilty to drug and gun offenses.

On February 21, 2018, Morrison was interviewed at his state probation officer's office. He admitted that he had been receiving methamphetamine from one of the two individuals arrested on January 4, 2018. He estimated that he received six ounces over a two-month period of time.

During a post-plea, debrief, in April 2018, of one of the individuals that supplied Morrison with methamphetamine, the individual confirmed that he had provided methamphetamine to Morrison for Morrison to sell. The individual estimated that he provided Morrison 1.5 pounds of methamphetamine over a three-month period of time. Additionally the individual remembered bonding Morrison out of jail one time and that Morrison had two ounces of methamphetamine in his truck. Jail phone calls between Morrison and the individual confirm that they were talking about methamphetamine in Morrison's truck although they spoke in code.

In addition to the information provided by Morrison and his supplier, phone records establish the drug relationship that Morrison had with his supplier, and confirm that the amount of methamphetamine involved in this conspiracy is over 500 grams of methamphetamine.

DATED this 31st day of October, 2018.

KURT G. ALME  
United States Attorney

*/s/ Lori Harper Suek*  
LORI HARPER SUEK  
Assistant U.S. Attorney